

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF GRAND FORKS

NORTHEAST CENTRAL JUDICIAL DISTRICT

BRIAN BALSTAD,

Plaintiff,

Civil No. 18-08-C-00502

vs.

UPTOWN HOSPITALITY, INC., dba
"SLEDSTERS," and KEVIN SCOTT
VANCAMP, JR.,

Defendants.

SECOND AMENDED COMPLAINTFILED IN THE OFFICE OF
CLERK OF DISTRICT COURT
GRAND FORKS COUNTY, N. DAK. ON

AUG 21 2009

REBECCA ABSEY, CLERK

BY

COMES NOW, the Plaintiff, Brian Balstad, by and through his legal counsel, for his cause of action against the above-named Defendants hereby alleges and states as follows:

I.

The Defendant Uptown Hospitality, Inc., dba Sledsters, (hereinafter "Sledsters") is a corporation duly organized under the laws of the State of North Dakota engaged in the business of selling liquor with its principal place of business located at 21 South 4th Street, Grand Forks, North Dakota, and at all times material to this action was conducting business in the City of Grand Forks and the State of North Dakota and continues to remain active and in good standing. Kevin Scott Vancamp, Jr., 911 Cottonwood, Apt. #104, Grand Forks, ND 58201, was an employee of Sledsters at all times relevant to this proceeding.

II.

On or about the 2nd day of September, 2007, as a result of negligence, arising out of an accident, incident, or occurrence occurring at and on the premises known as "Sledsters" located at 21 South 4th Street, Grand Forks, North Dakota, the Plaintiff sustained substantial injury including but not limited to substantial emotional, physical, and psychological injury.

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III.

At the time the Plaintiff was injured, all employees of "Sledsters" were acting within their scope of employment, and therefore, their actions are imputable to Defendant Uptown Hospitality Inc. dba "Sledsters" under the doctrine of Respondeat Superior.

CAUSE OF ACTION: NEGLIGENCE

IV.

Paragraphs I through III of this Complaint are realleged as though wholly set forth herein.

V.

The Defendants had a duty to refrain from operating "Sledsters" in a negligent manner, to refrain from negligently injuring the Plaintiff, and to take reasonable action to prevent and/or intervene and impede any acts which would cause the Plaintiff to suffer injury.

VI.

The Defendants breached their duty by acting negligently, carelessly, and recklessly and by failing to exercise reasonable care.

VII.

As a direct and proximate result of the negligence of the Defendants, the Plaintiff suffered and continues to suffer substantial emotional, physical, and psychological injury which required and continues to require professional medical and psychological treatment.

WHEREFORE, the Plaintiff prays for relief as follows: 1) that Judgment be entered in the Plaintiff's favor and against the above-named Defendants in a sum greater than Fifty Thousand and no/100 DOLLARS (\$50,000.00), plus interest, to compensate the Plaintiff for the injuries sustained; 2) for the award of the attorney's fees, costs, and disbursements the Plaintiff incurred incident to the above-titled matter; and 3) for all such other relief this court deems just and proper.

1 **DATED** this 27 day of June, 2009.

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11 **ATTORNEY FOR PLAINTIFF**

12 **DEMAND FOR TRIAL BY JURY**

13 The Plaintiff hereby respectfully demands a jury of nine (9) persons or the maximum
14 number of persons allowed by law.

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